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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,146

07/19/2006

Peter Jarvis Goodwin

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27777 7590 01/22/2009  
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EXAMINER

LAWSON, MATTHEW JAMES

ART UNIT

PAPER NUMBER

4138

MAIL DATE

DELIVERY MODE

01/22/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/566,146	<b>Applicant(s)</b> GOODWIN ET AL.	
	<b>Examiner</b> MATTHEW LAWSON	<b>Art Unit</b> 4138	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/27/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Specification*

The abstract of the disclosure is objected to because it exceeds the maximum word count. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet **within the range of 50 to 150 words**. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

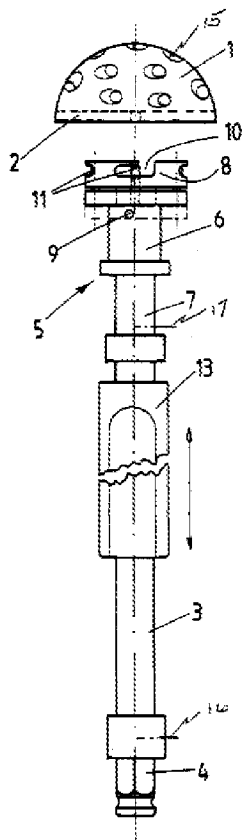
2. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Lechot (US 5,658,290).

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3. Regarding claims 1-6, Lechot discloses an instrument assembly for use in orthopedic surgery having a component (1, figure 2) positioned within a body cavity to engage a bone and has at least one bar portion (2, figure 1) extending across it, along with a manipulator (6, figure 2) having at least one clasp (8, figure 2) for engaging a bar portion; the clasp, having a hook (10, figure 2) and a keeper pin (11, figure 2). The hook can be displaced relative to the keeper pin between an open position (when the keeper pin is retracted) so that the hook is open at one side to allow the bar portion to be slid between the hook and the keeper pin, and a close position (when the keeper pin is extended) to sufficiently prevent the bar portion from being removed from under the hook (column 3, lines 7-16). The instrument assembly having at least one of the contacting surfaces of the bar (2, figure 1) and the hook (10, figure 2) which contact one another when the bar portion is inserted between the hook and the keeper pin, or the surface of the bar portion which contract the keeper pin provides a ramp so that sliding the bar portion between the hook and the keeper pin cause the hook to be displaced relative to the keeper pin, towards the open position and the hook is biased towards the close position (column 3, lines 5-16). The ramp being provided by the surface of the hook (10, figure 2) which contacts the bar portion (2, figure 1) when the bar portion is inserted between the hook and the keeper pin (11, figure 2, column 3, lines 5-7). The hook being located on a plate (14, figure 3, see abstract) so that the bar portion (2, figure 10 fits between the hook and the surface of the plate when the component is fastened to the manipulator (8, figure 2), and in which the keeper pin (11, figure 2) extends through an aperture (12, figure 3) in the plate (column 4, lines 7-10). The

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ramp portion also engages the bar portion (2, figure 1) while the bar portion is inserted between the hook and the keeper pin, and a locked portion which engages the bar portion which the component is fastened to the manipulator (column 3, lines 5-7). The manipulator having a shaft (7, figure 2, column 2, lines 64-67) on which the clasp (8, figure 2) is mounted, In which the hook part of the clasp moves relative to the shaft during the relative displacement between open and close positions (column 3, lines 1-7) along with the keeper pin part (11, figure 2) of the clasp moves relative to the shaft during relative displacement between the open and close positions (column 3, lines 4-16).



**Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. US 7,115,119 Desarzens *Dual Reamer Holder for Surgical Use*
- b. US 6,102,915 Bresler et al. *Hip Prosthesis Positioning Instrument*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW LAWSON whose telephone number is (571)270-7375. The examiner can normally be reached on M-F, 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Melba Bumgarner can be reached on 571-272-4709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. L./  
Examiner, Art Unit 4138

/Melba Bumgarner/  
Supervisory Patent Examiner

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